



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO

03 OCT 2005

#4

Atty's Dkt: FRESKGARD8

In re Application of:  
FRESKGARD

Serial No. 10/518,056

IA Filing Date: June 20, 2003

For: MICROARRAYS DISPLAYING ENCODED MOLECULES )

) Application Division

) ATTN: PCT

) Washington, D.C.

) Confirmation No. 8250

) Date: October 3, 2005 (MONDAY)

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Missing Parts  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated August 1, 2005. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- [ ] An exact English language translation of the PCT application as originally filed.
- [ ] Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_ of the specification and new claims \_\_\_ to be used for examination.
- [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
- [XX] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- [ ] An Information Disclosure Statement with 08A- 1449 and references.
- [XX] Additional fees as calculated below:

|  |                        |            |
|--|------------------------|------------|
| [XX] Search fee (copy of ISR provided December 16, 2004)   |                        | \$400.00   |
| [XX] Examination fee   |                        | \$200.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). |                        | \$130.00   |
| Number of each additional 50 pages or fraction thereof (round up to a whole number)  |                        | RATE       |
|  |                        | X \$250.00 |
| Number of Claims Previously Paid For   | Number of Extra Claims | Rate       |
| 20- 20 =   | 0                      | X \$ 50.00 |
| 2- 3 =   | 0                      | X \$200.00 |
| Multiple Dependent Claims (if applicable)  |                        | + \$360.00 |
| TOTAL OF ABOVE CALCULATIONS  |                        | \$730.00   |
| Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.                                       |                        | <\$365.00> |
| SUBTOTAL   |                        | \$365.00   |
| Processing fee of \$130.00 for late furnishing of the English translation.   |                        | \$         |
| TOTAL NATIONAL FEE   |                        | \$365.00   |

[XX] Total fees enclosed: \$ 365.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 365.00 is enclosed to cover the above fees.

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

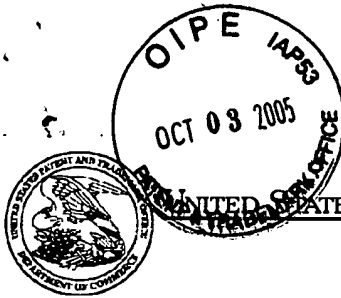
By:

Iver P. Cooper

Registration No. 28,005

IPC:ses

G:\ipc\g-i\hoib\FRESKGARD8\pto\missingnationaltransmittalJan2005.doc



Rec'd PCT/PTO

03 OCT 2005

Page 1 of 3

10-1 PCT #4  
Holt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/518,056

FIRST NAMED APPLICANT

Per-Ola Freskgard

ATTY. DOCKET NO.

FRESKGARD8

INTERNATIONAL APPLICATION NO.

PCT/DK03/00417

I.A. FILING DATE

06/20/2003

PRIORITY DATE

06/20/2001

1444

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

AUG - 5 2005

BROWDY AND NEIMARK  
WASHINGTON, D.C. 20004

CONFIRMATION NO. 8250

371 FORMALITIES LETTER



\*OC000000016657955\*

Date Mailed: 08/01/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/16/2004
- Copy of the International Search Report filed on 12/16/2004
- Request for Immediate Examination filed on 12/16/2004
- U.S. Basic National Fees filed on 12/16/2004
- Priority Documents filed on 12/16/2004

108/ser/msp: 01 OCT 2005.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$180** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$245** for a Small Entity:

- **\$65 Late oath or declaration Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 180**
  - **\$180** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

|                             |                               |                  |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|

10/518,056

PCT/DK03/00417

FRESKGARD8

FORM PCT/DO/EO/905 (371 Formalities Notice)